

### **REMARKS**

This responds to the Office Action dated September 22, 2003. Claims 33 and 44 were amended, claim 45 was canceled; as a result, claims 1-44 and 46-50 are now pending in this application.

#### **§103 Rejection of the Claims**

In the Office Action, claims 33, 44 and 45 were rejected under 35 USC § 103(a) as being unpatentable over Kieval et al. (U.S. Patent No. 5,626,623) in view of Combs et al. (U.S. Patent No. 6,512,949).

#### ***Regarding claim 33:***

Claim 33 was amended to better recite the subject matter. Insofar as the rejection is applied to the amended claim, Applicant respectfully traverses the rejection.

Applicant is unable to find in the proposed combination of references, among other things, a teaching or suggestion of initiating/adjusting, in response to the sensing, a cardiac resynchronization therapy that includes selecting an interelectrode delay value, for subsequent delivery of contraction-evoking stimulations occurring during a single cardiac cycle, wherein the interelectrode delay is selected from a set of delays including interventricular delays and intraventricular delays, as recited in claim 33.

Applicant respectfully requests reconsideration and allowance of claim 33.

#### ***Regarding claims 44 and 45:***

Claim 44 was amended to better recite the subject matter and claim 45 was canceled. Insofar as the rejection is applied to the amended claim, Applicant respectfully traverses the rejection.

Applicant is unable to find in the proposed combination of references, among other things, a teaching or suggestion of a controller including a cardiac resynchronization therapy parameter and a stored interelectrode delay, the stored interelectrode delay selected from a set of delays including stored interventricular delays and intraventricular delays, as recited in claim 44.

Applicant respectfully requests reconsideration and allowance of claim 44.

Allowable Subject Matter

Applicant gratefully acknowledges the allowance of claims 1-32, 34-43 and 46-50.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6951) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

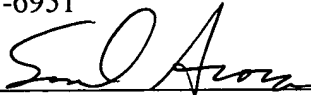
Respectfully submitted,

QINGSHENG ZHU ET AL.

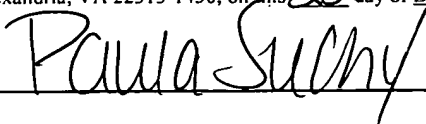
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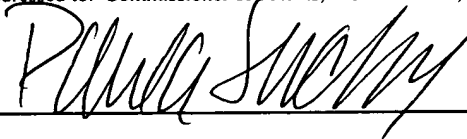
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Date Dec. 22, 2003

By   
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of December, 2003.

  
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